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CHARLES W. McCALL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES W. McCALL, ET AL.

Defendants.

Case No.: CR-00-0505-WHA

**TENTH STIPULATION AND
~~PROPOSED~~ ORDER RE RETURN
OF DEFENDANT CHARLES W.
McCALL'S PASSPORT**

The Honorable William H. Alsup
Date: None
Time: None
Courtroom 9, Nineteenth Floor
Trial Date: None Set

1 The United States and defendant Charles W. McCall, through their respective
2 counsel, stipulate and agree as follows:

3 **RECITALS**

4 1. On June 4, 2003, this Court unsealed a second superseding indictment
5 containing charges against Mr. McCall. Trial in this matter began on September 11, 2006.
6 On November 3, 2006, the jury returned a verdict of not guilty as to Mr. McCall on Count 1
7 of the Indictment. The jury was unable to reach a verdict as to Mr. McCall on any of the
8 remaining six counts, and the Court declared a mistrial as to Counts 2, 4, 5, 6, 7 and 8 of the
9 Indictment and discharged the jury. The United States intends to re-try Mr. McCall on
10 those Counts. No trial date is presently assigned.

11 2. During Mr. McCall's arraignment on June 5, 2003, he surrendered his United
12 States Passport to the Court as part of his conditions of pre-trial release.

13 3. Between June 2003 and the present, the Court has entered nine stipulations
14 and orders regarding the return of Mr. McCall's passport. The orders were filed on
15 September 3, 2003; January 5, 2004; August 12, 2004; November 22, 2004; May 13, 2005;
16 September 6, 2005; April 11, 2006; June 4, 2007 and November 8, 2007 (collectively the
17 "Passport Orders"). These orders granted Mr. McCall permission to obtain and/or retain his
18 passport for personal travel abroad.

19 4. Upon obtaining, retaining, and/or returning his passport to the Court pursuant
20 to the Passport Orders, Mr. McCall, through his counsel, has notified the United States
21 Pretrial Services Agency by telephone and/or letter of the status of Mr. McCall's passport
22 and Mr. McCall's personal travel plans outside the United States.

23 5. Most recently, Mr. McCall, through his counsel, returned his passport to the
24 Court on March 31, 2008, in accordance with the Ninth Stipulation and Order re Return of
25 Defendant Charles W. McCall's Passport ("Ninth Passport Order"), entered November 8,
26 2007.

27 6. Since March 31, 2008, Mr. McCall traveled to San Francisco and appeared
28 before the Court at the April 29, 2008 Case Management Conference in this matter.

1 7. Mr. McCall respectfully requests, and the United States does not object, that
2 the Court again allow Mr. McCall to obtain his passport from the Court for three additional
3 trips abroad — from May 30, 2008 to June 15, 2008; from June 30, 2008 to July 13, 2008;
4 and from August 8, 2008 to August 24, 2008 — and for such other trips (before September
5 5, 2008) that are approved in writing at least three (3) business days in advance by the
6 United States Pretrial Services Agency.

7 8. Upon completion of his travels, Mr. McCall shall surrender his passport to
8 this Court on or before September 5, 2008.

9 9. Mr. McCall further respectfully requests, and the United States does not
10 object, that this Stipulation and Order supersede the Ninth Passport Order.

11 10. On May 8, 2008, Pretrial Services Officer Ken Goldberg (Southern District of
12 Florida, West Palm Beach Division) informed counsel for Mr. McCall that he consents to
13 the terms of this stipulation and proposed order.

14 11. On May 8 , 2008, Pretrial Services Officer Allen Lew (Northern District of
15 California) informed counsel for Mr. McCall that he consents to the terms of this stipulation
16 and proposed order.

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STIPULATION

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that Mr. McCall's United States Passport shall, with this Court's permission, be returned to him so that he may travel abroad — from May 30, 2008 to June 15, 2008; from June 30, 2008 to July 13, 2008; and from August 8, 2008 to August 24, 2008 — and for such other trips (before September 5, 2008) that are approved in writing at least three (3) business days in advance by the United States Pretrial Services Agency. Mr. McCall shall surrender his passport to this Court on or before September 5, 2008. This Order supersedes the Ninth Passport Order.

IT IS SO STIPULATED AND AGREED.

DATED: May 12, 2008

HELLER EHRMAN LLP

PAUL, WEISS, RIFKIND, WHARTON, &
GARRISON LLP

By /s/ Michael J. Shepard
Michael J. Shepard

Attorneys for Defendant
CHARLES W. McCALL

DATED: May 12, 2008

UNITED STATES OF AMERICA

By /s/ Timothy P. Crudo

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Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: May 13, 2008

THE HONORABLE WILLIAM ALSUP
United States District Judge

